

# Alabama Board of Physical Therapy

## Newsletter

### BOARD MEMBERS

Vince Molyneux Mobile, AL Chair	PTA
Andy Gustafson Prattville, AL Member	PT
Ron Bass Wedowee, AL Member	Consumer Member
Jay H. Segal Birmingham, AL Member	PT
John Cormier Tuscaloosa, AL Secretary	PT
Eric Dekle Mobile, AL Treasurer	PT
Mitzi Watson Headland, AL Member	PTA

### LEGAL COUNSEL

OLIVIA MARTIN

ASSISTANT ATTORNEY GENERAL

### BOARD STAFF

N. K. HORNER

EXECUTIVE DIRECTOR

NK.HORNER@PT.ALABAMA.GOV

SHEILA WRIGHT

ADMINISTRATIVE ASSISTANT III

SHEILA.WRIGHT@PT.ALABAMA.GOV

PHONE: (334)242-4064

(334)242-3603

(888)726-9743

### 2011 LEGISLATIVE SESSION

The Alabama Board of Physical Therapy started a process three years ago to look at modernizing and improving our Practice Act to make it a better tool for public protection. That process led us to work cooperatively with the Alabama Physical Therapy Association and introduce a bill in this year's legislative session that both organizations supported. The bill was a very large bill which completely overhauled our practice act and was very ambitious. The bill provided for better regulatory authority for the Board, established an impaired practitioner program, modernized outdated and confusing language with respect to the definition of a physical therapy technician, and removed the referral requirement to access physical therapy services.

As the session progressed, it became evident that such a big bill was unlikely to pass due to it giving opponents of the bill so much content to try and sow controversy over. It also became apparent that the main focal point of opposition was the removal of the referral requirement, and the other issues were being used as distractions. A substitute bill was subsequently introduced that addressed only the removal of the referral requirement, commonly referred to as a direct access bill.

Although the Board is supportive of removing the referral requirement and granting the public better access to physical therapy services, the substitute bill did not represent the Board's top legislative priorities. The Board considered introducing a second bill that did contain our top legislative priorities, but ultimately decided not to. In the end, the smaller direct access bill did not pass, and the legislative session ended with no changes to the Physical Therapy Practice Act.

The Alabama Board of Physical Therapy would like to thank all those who were supportive of our legislative attempts this session to improve our practice act, and we hope the communications that were sent out from the Board were helpful and informative.

John Cormier / Board Member

## **2011 ONLINE RENEWAL IS FAST APPROACHING; ARE YOU READY?**

The 2011 online renewal process will be available online beginning August 1, 2011, and will go through November 1, 2011. **Licenses will expire at midnight on September 30, 2011.** BUT, if you're not treating patients, there is a **"grace" period** during which you can still renew October 1 through November 1 without having to pay a "late fee". The key words are: **IF YOU'RE NOT TREATING PATIENTS.** We cannot over-stress the fact that if you treat a patient after your license has expired, prior to getting it renewed, you will have a substantial fine to pay, and your name will be listed on the website, and it will be reported to HIPDB. The Board is serious about this issue of licensees treating patients with an expired license. The fine can be as much as \$1,000 per patient treated with an expired license. **And your employer will be notified.**

Just a bit of housekeeping so you'll know what you need to do. There will be no post card reminder this year telling you the WHO, WHAT, WHY, WHEN, and WHERE regarding your license renewal. The process is the same as the past several renewal periods. **You will need a credit card, your license #** beginning with PTH (physical therapist) or PTA (physical therapist assistant), **the last 4 digits of your Social Security Number**, and **a copy of your pre-approved continuing education.** There is a 10% audit with the online procedure. (The audit for paper renewal is 100%!) **If you are audited**, you will be notified at the end of your online process, which tells you that you have 10 working days to fax or mail in proof of your CE that you have posted on the renewal form. **Please do not send in the original certificate**; you need to keep that for future reference; we only need a copy. If audited, we will not send you the renewed license until we receive proof of your continuing education.

**Check your license card for the date of your expiration.** It may be that you will not need to renew in 2011. If you were licensed from January 1, 2011, to date, your license will not expire until 2012. Also, if you were licensed by exam, you will not be required to have continuing education for your first renewal.

**REMEMBER** to print a copy of your receipt at the end of your online process. It will provide valuable information for tax purposes, as well as listing your CE courses taken. This can be most helpful next year if you have hours to roll over into the next renewal.

We wish you every success this year in your renewal process. Please give the office feedback; we're not opposed to making changes that will improve the process.

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## **NO CE COURSE APPROVAL: AUGUST 1 – NOVEMBER 1, 2011**

Remember that no courses for continuing education will be reviewed or approved during this time. The list of pre-approved on-sight and on-line / home study courses is available on our website under Continuing Education. Please go ahead and renew your license, and don't wait until the last minute to get it accomplished.

## **JURISPRUDENCE—WHAT’S HAPPENING?**

The Physical Therapy Licensing Board feels it is in the best interest of the public that licensees understand the laws that govern the practice of physical therapy. In 2006, Alabama began requiring that all new applicants take and pass a Jurisprudence Exam to obtain a license. This exam currently is not required for applicants who obtain their license without taking an exam (by endorsement) or for a current licensee to renew their license.

The Board has been working with the Alabama PT Association and the PT staff at UAB to write a Jurisprudence Course for the past three years. At its last meeting, the Board began the process for a Rule change that would require all licensees to take a course on Jurisprudence to renew their license beginning in 2012. The proposed rule states:

700-X-2-.09(3)(b)6.

Licensees are required to have at least one approved continuing education course every other year on the topic of Alabama physical therapy jurisprudence which covers both the Practice Act and The Administrative Code. Licensees whose last name begins with the letters A through M will be required to fulfill this requirement when renewing their license in even numbered years. Licensees whose last name begins with the letters N through Z will be required to fulfill this requirement when renewing their license in odd numbered years.

There will be a comment period, and licensees are encouraged to share their views with the Board during this time.

Jay Segal / Board Member

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**Please keep your address updated with the  
Alabama Board of Physical Therapy**

## **RULE CHANGES SINCE MARCH 2011**

Notice of Intent for the latest rule change was submitted for publication by the Legislative Reference Service on June 20, 2011. The Alabama Board of Physical Therapy proposes to amend Rule # 700-X-1-.02 **Composition And Selection of Board** to incorporate all the potential conflicts of interest involving Board members. Interested persons may present their views in writing or in person through the close of business on August 4, 2011. The portion of the rule to be amended is 700-X01-.02(4) and is listed below:

*While serving on the Board, members will refrain from holding a policy-making role in the American Physical Therapy Association or any of its Chapters or Sections. The positions considered policy-making include, but are not limited to, the executive board (President, Vice-President, Secretary, Treasurer), an elected or appointed director of the Board, Chief Delegate, Delegate, Political Action Committee (PAC) Chair, or Governmental Affairs Committee Chair or membership in a working committee of the American Physical Therapy Association or any of its Chapters or Sections. In summary, a Licensure Board Member's involvement in the American Physical Therapy Association or any of its Chapters or Sections should be limited to general membership. He/she will hold no Association Office or committee position, with the exception of a mutual task force composed of Board members and Association members. Involvement in any other organization which could potentially present a conflict of interest with the duties and obligations of a member of the Alabama Board of Physical Therapy should be undertaken only after consultation with the current members of the Board. All newly appointed Board members will, within 90 days of their appointments, disclose to the board all involvement in any other organizations which could potentially present a conflict of interest with the duties and obligations of a member of The Alabama Board of Physical Therapy.*

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## **2011 NOMINATIONS FOR BOARD MEMBER POSITIONS**

This year, two Board Members' terms are due for appointment: Jay Segal's term in one of the Physical Therapist positions and Ron Bass's term as the Consumer on the Board. Five names have been submitted to the Governor's Office for his appointment of one PT and five names submitted for the Consumer position, for the Governor's appointment of one each. PT Nominees are: Jay Segal, Birmingham; Diane Clark, Birmingham; Andrea Johnson, Moody; Alina Adams, Hanceville; and Judy Gazdag, Hueytown. Consumer nominees are: Sandy Cooke, Spanish Fort; James Stidham, Birmingham; Mary Jolley, Tuscaloosa; Allison Funk, Pell City; and Pam Paustian, Vestavia Hills. Hopefully by October, the new appointments will be in place on the Board.

Dear Licensees:

As the new chairman of the Alabama Board of Physical Therapy I would like to take the opportunity to say that I am honored and humbled to serve the people of Alabama in this capacity. I am also thankful to be able to serve my tenure with licensees who are very dedicated to their profession and to the people whom they serve.

After being mentored by my older brother Mike and his friend Jim Martin, I decided that I too wanted to start a career in physical therapy. Growing up as one of 10 children has instilled in me a desire to help other people. Once I realized that I enjoyed fitness and helping others, physical therapy just made sense to me. I graduated Bishop State Community College in 1999 and went on to get my BS in Health Administration from the University of St Francis in Joliet, IL. Since then I have taught at Bishop State in the PTA program. I have been working with Enduracare Acute Care Services Inc., formerly known as Therapy Management Services, at Springhill Medical Center since 1999. I currently serve as the assistant director/clinical coordinator for the company. My director was also another mentor who has previously served as a member and chairman of the Board. He has always encouraged me to achieve my personal goals. He has been very accommodating over the years, and for that I will always be grateful.

Since being appointed to the Board in 2008, I have been fortunate to assist other fellow Board members to regulate our profession, as well as to formulate new rules that help provide protection of the public. This has been the most enlightening and rewarding task ever bestowed upon me. I hope to be a good listener, mediator and leader as chair to guide our Board in the direction that will enhance the relationships that exist between consumers and licensees. I will have an open-door policy for any new ideas or concerns that any licensee or the consumers of physical therapy may have.

Our profession is ever changing, and it is important for the Board to adapt new rules and regulations to accommodate and enhance our profession for the good of the public. I will work diligently and to the best of my ability in my new role as chairman. Transparency is important so that licensees understand how and why their governing rules and regulations exist. Again, I would like to say thank you for this opportunity.

Sincerely,  
Richard V. Molyneux, PTA

Chair, Alabama PT Board

## **ALABAMA BOARD OF PHYSICAL THERAPY** **DISCIPLINARY INVESTIGATIONS AND ACTIONS**

The Board has a three-tier system of discipline.

The lowest level of sanction involves the placing of a *letter of admonition* in a licensee's permanent file.

The intermediate level of sanction involves the licensee entering into a *guilty plea agreement* with the Board, either prior to or following a formal or informal hearing. A licensee who pleads guilty may be required to pay a fine, or be subjected to a period of license suspension, or both.

The highest level of sanction involves a finding of guilt after a *formal administrative hearing*. This level of sanction includes a fine and/or license suspension, and may include license revocation.

Disciplinary actions are matters of public record.

In addition to being included in a licensee's permanent file, disciplinary actions are also published in the Board's semi-annual newsletter and to the Healthcare Integrity Protection Data Bank (HIPDB).

Licensees who either plead guilty, or who are found guilty after either an informal or formal hearing, have their names and the nature of their discipline published in the Board's newsletter and filed with HIPDB.

With a letter of admonition, only the nature of the disciplinary action is published.

In keeping with this policy, the following is a list of the Board's disciplinary actions since the last newsletter:

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**Allegation:** Late renewal; treated patients with expired license

**Disposition:** \$500 fine

**Case #**      **Name**

11-04-04      Coral M. Gubler-Hanna, PT

**Allegation:** Failure to maintain appropriate records

**Disposition:** Strict action plan through work and in-services related to policies re: documentation  
Letter to file

**Case #**      **Name**

11-05-09      Jennifer Davis, PT

**Allegation:** Falsified Visit

**Disposition:** Unsubstantiated complaint  
Letter to file

**Case #**      **Name**

11-05-10      Deran Morgan, PTA